

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

AMENDMENTS TO ECF OPERATING ORDER EFFECTIVE OCTOBER 1, 2004

The new ECF Interim Operating Order No. 8 is effective October 1, 2004. It provides for changes in certain ECF procedures. Please be advised that the following changes apply to all filings on or after October 1, 2004.

1. Exhibits or other attachments to documents electronically filed. When the exhibits or other attachments to a pleading are voluminous, you will no longer be able to attach to your e-filed pleading a statement that the exhibits were too voluminous to electronically file and then submit those exhibits to the court on paper for filing in the case file. Starting October 1, 2004, the clerk will no longer maintain a paper case file for each case. The new provision in the ECF Operating Order that pertains to exhibits is as follows:

Exhibits and/or other attachments to a pleading or other document are to be electronically filed, in their entirety, with the pleading or other document except as provided below.

Alternatively, in lieu of electronic filing of the complete exhibits/attachments, the filer may file a list of the exhibits or attachments with a summary of each item on the list. If such a list and summary are filed, complete copies of the exhibits/attachments shall be served on those parties entitled by the Federal Rules of Bankruptcy Procedure or the Local Rules of Bankruptcy Procedure to receive a copy and on chambers if required by the judge.

You are therefore required either to image and electronically file the exhibits or other attachments in their entirety or you may file a list of the exhibits or other attachments that includes a summary of each exhibit or attachment listed. If filing a list and summary, service of paper copies of the complete exhibits or attachments is required on those parties entitled to service.

2. Exhibits/attachments to a proof of claim electronically filed by the claimant or agent for the claimant are to be electronically filed in their entirety or a list and summary may be filed with the claim as provided above. If filing a list and summary, service of paper copies of the complete exhibits or attachments is required on the case trustee and the attorney for the debtor.. For claims filed on paper, the clerk will image and include with the claim exhibits or attachments that do not exceed ten pages. If the exhibits or other attachments to a paper filed claim exceed ten pages, the clerk will image only the claim. The paper exhibits or other attachments will be sent to the case trustee or the attorney for a debtor-in-possession.

3. Chapter 11 Plan Confirmation Ballots. Original ballots are no longer to be filed with the Court. The original completed ballot is to be sent directly to the attorney for the debtor or other plan proponent. The new provision in the ECF Operating Order provides:

Ballots. The original ballots are not to be filed with the Court, but are instead to be sent by the party completing the ballot directly to the attorney for the debtor or other plan proponent who shall retain the original ballots for the time period specified for original signature documents. The attorney for the debtor or other plan proponent shall electronically file a report of the balloting.

Please change any ballot form that you use so that it provides your address, and not the court's, for return of the ballot.

4. Payment of Filing Fees On-line. For all documents electronically filed by an attorney that incur a filing fee, that filing fee must be paid on-line with a credit/debit card using the Internet Filing Fee Payment process. Sending a check to the clerk after filing the document is no longer an option. Until such time as attorneys are required to file petitions and adversary complaints electronically, the filing fee for a petition or complaint filed on paper may be paid by attorney check. Starting October 1, 2004, all attorneys will have access to the Internet Payment Process. If you are not familiar with this process, you may download a set of instructions at the Court's web site, www.azb.uscourts.gov.

TERRENCE S. MILLER
CLERK OF COURT